IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Bail Appl..No. 6449 of 2007()

CR. NO. 343/00 OF WADAKKANCHERRY POLICE STATION
CRLMC.2332/2007 of DISTRICT COURT, THRISSUR

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PETITIONER/5TH ACCUSED

RAJAPPAN @ RAJU, AGED 45 YEARS,
S/O.RAGHAVAN, PUTHUMADAM HOUSE,
VADOOKKARA, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REP. BY THE
SUB INSPECTOR OF POLICE, WADAKKANCHERRY
POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6449 of 2007

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Dated this the 25th day of October, 2007

O R D E R

Application for anticipatory bail. The petitioner is the 5th accused. Altogether there are seven accused persons. The first accused is allegedly the principal offender. All the accused face allegations under Section 420 I.P.C. The petitioner is said to be the driver of the first accused.

2. The defacto complainant, a woman, has some matrimonial disputes with her husband. To get back her husband and child, she is alleged to have approached the first accused for conducting a pooja. Pooja was conducted. Amounts have been expended for conducting the pooja. The petitioner was in active association with the first accused regarding the conduct of the pooja. The defacto complainant's husband left her finally and got married to another. In short, the pooja proved to be unsuccessful. The defacto complainant feels that she had been cheated. The petitioner, who was associated with the first accused, is also alleged to be guilty of the offence of cheating punishable under Section 420 I.P.C. vicariously.

Investigation is in progress. The petitioner apprehends imminent arrest.

3. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of this case, to which I have already made brief reference, that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner, subject to appropriate conditions.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 1.11.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 2.11.2007 and 3.11.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 1.11.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 1.11.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 1.11.2007.

(R. BASANT)
Judge

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